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House Committee Activity: April 7 - 10, 2003

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The Public Safety and Rural Roads Subcommittee has announced that it will close on the 22nd. Several other subcommittees have announced that they will shut down in the next week or two as final bills are being put on notice for consideration. Shown here in a recent meeting are (in foreground) Research Analyst Greg Adkins, Subcommittee Vice Chair W. C. Pleasant and Rep. Mike McDonald. In the background are Rep. Jim Vincent and Rep. John Tidwell. Rep. George Fraley is the Subcommittee's Chair.

Agriculture

Matt Barnes

The **Agriculture Committee** met Tuesday, April 8, with one bill on notice. **HB 1675** (Davidson), which enacts the "Tennessee Processing Cooperative Law," was rolled one week.

Rep. Bone introduced Dr. Jack Britt, UT Vice President for Agriculture, and Dr. John Wilkerson, UT Associate Professor of Biosystems Engineering. Dr. Wilkerson, an international expert in environmental and agricultural sensor systems, gave a

PowerPoint presentation for the committee on cropping system technology research conducted at the Tennessee Agricultural Experiment Station. Dr. Wilkerson claimed many technologies for agriculture today are *adapted*, not developed; he and his research team seek to reverse that trend to focus on *development* specifically related to the agriculture industry.

Looking to increase profits and environmental stewardship, the team has focused so far on four distinct areas in sensor technology: 1.) Crop yield monitoring; 2.) Plant health sensing;

3.) Target-specific application of chemicals; and 4.) Seed-specific application of chemicals. In the fourth area, Dr. Wilkerson claimed spraying an "envelope of protection" around a cotton seed as it is planted, for example, as opposed to spraying an entire field or row for weed growth, could save significant money. The team uses a chute, which has a sensor in the middle, to insert the seed into the ground. When the sensor "sees" the seed falling, it sprays an envelope of protection on the ground at the precise point where the seed falls, all at a fraction of a second. Visit the UT Agricultural Experiment Station Website at www.taes.utk.edu/ for more information.

Children & Family Affairs

Shannon Romain

The Full Committee

The Children and Family Affairs full committee met on Tuesday with three bills on the calendar.

As amended, **HB 0573** (Rep. Fowlkes) permits a parent to execute a power of attorney giving temporary, care-giving authority to any competent adult who is a resident of Tennessee. An amendment to the amendment clarifies that a parent may use a form provided by the Department of Children's Services to execute the power of attorney. The bill went to Calendar & Rules.

HB 2000 (Rep. Chumney) creates the "Tennessee Protection of Minor Performers Act". The bill permits a minor or their parent(s) to petition the court to approve any contracts entered into by the minor for artistic and creative services performed within the state. If a contract is approved, the minor would not be permitted to disaffirm the contract and at least 15% of the minor's gross earnings must be put into a trust account for the child. This bill also went to Calendar & Rules.

HB 0859 (Rep. Brown) was rolled.

Family Justice Subcommittee

The following bills were referred to the full committee. **HB 1391** (Rep. Turner, B.) gives the court the discretion to require an individual who violates a child support order to remove litter or work in a recycling plant as an alternative to or in addition to incarceration. **HB 2050** (Rep. McMillan), an administration bill, was presented by Rep. John Deberry. It revises the Interstate Compact

on Juveniles, which promotes reciprocity among the states regarding the adjudication and return of children that have run away, absconded, etc. **HB 2051** (Rep. McMillan) was presented by Rep. Shaw. The bill authorizes the Department of Children's Services to collect identifying information on abuse service providers in order to track the effectiveness of such programs. The committee made a recommendation for an amendment to the bill that corrects a typographical error.

The following bills were deferred one week:

HB 2041 - Paternity

HB 1079 - Courts, Juvenile

HB1020 and **HB1019** (both by Rep. Gene Davidson) were taken off notice. **HB 1020** authorizes the juvenile court to commit an unruly child into the custody of Department of Children's Services when it determines the circumstances justify commitment for the sake of child's welfare. Under justifiable circumstances, the child may be ordered into state custody even if Department fails to certify to the court that there is no other less drastic measure than court intervention. **HB 1019** gives the juvenile court concurrent jurisdiction with circuit and chancery court for proceedings to determine the custody of children born out of wedlock, to provide for the support and education of such children, and to enforce such orders.

Note: The Family Justice Subcommittee will close on April 22nd. Please put all bills on notice by April 15th.

Domestic Relations Subcommittee

HB 2038 (Rep. McMillan) was referred to the full committee. The bill corrects citation errors and clarifies that the Department of Human Services may adjust a child support order upon a determination that a substantial change in circumstances exists (generally 15%). The department is not required to wait until a requesting party presents proof of a change in circumstances. A committee amendment to the bill corrects a typographical error.

HB 1480 (Rep. Chumney) was also referred to the full committee. The sponsor introduced an amendment, which makes the bill. As amended, the bill will create a new category of alimony called transitional alimony. Transitional alimony is non-modifiable, deductible, short-term financial support that helps an economically disadvantaged spouse adjust to the economic consequences of divorce. Transitional alimony is similar

to rehabilitative alimony, however, rehabilitative alimony is non-modifiable.

An amendment to the amendment was also introduced. It removes orders for separate maintenance as one of the circumstances under which transitional alimony may be awarded.

The following bills were deferred for one week:

HB 0875 (Rep. Johnson) Adoption

HB 1119 (Rep. Shepard) Child Custody and Support

HB 1120 (Rep. Shepard) Paternity

HB 1121 (Rep. Shepard) Paternity

HB 1704 (Rep. DuBois) Child Custody and Support

HB 1080 (Rep. Patton) Child Custody and Support

Note: The Domestic Relations Subcommittee will close on April 23rd.

Commerce

Matt Barnes

Full Committee

The **Commerce Committee** met Tuesday, April 8, with seven bills on notice. **HB 1386** (McKee) was rolled one week, and **HB 0488** (Montgomery) was rolled to the last calendar.

HB 1289 (Turner, B.) exempts private protective service providers from the general contractor law when such providers are working within the scope of their licenses. The bill passed to Calendar and Rules.

HB 0575 (Fitzhugh) clarifies that no provision of the Electronic Transaction Act shall limit, modify, or supercede the federal E-Sign Act unless otherwise permitted. The bill passed to Calendar and Rules.

HB 1065 (Brooks) revises provisions of the telecommunications assistance program for small and minority-owned businesses developed by the Department of Economic and Community Development. An amendment to the bill removes the portion regarding grants and expresses the legislative intent that the department use the assistance provided by the program to support the department's outreach to those businesses that do not have reasonable access to capital markets and

traditional commercial lending facilities. The Committee went into recess to hear from Comptroller John Morgan, who spoke in favor of the bill because it broadens the purpose of the program fund and allows for loans instead of just loan guarantees. The bill passed as amended to Calendar and Rules.

HB 1719 (Curtiss), as amended, prohibits home improvement contractors and other persons who supply materials or services in the improvement of real property from making mortgage loans or of being mortgage loan brokers. The bill was passed as amended to Calendar and Rules.

HJR 0059 (Hackworth), which creates a special joint committee to study economic development in industrial zones, was passed to Finance, Ways and Means, as well as **HJR 0074** (Rinks), which creates a special joint committee to study permitting merchant electric generating plants and the associated economic and environmental issues.

Industrial Impact Subcommittee

The Industrial Impact Subcommittee met on Tuesday, April 8 to consider 20 bills.

The following 13 bills were rolled:

HB 0858 (Brown) requires health care providers who have submitted an application for credentialing in a managed care organization's network to be reimbursed for services from the point of that application, as opposed to being reimbursed from the time they join the MCOs network. (2 weeks)

HB 0577 (Sontany) requires certain engine coolants or anti-freeze sold after July 1, 2004 to include bittering agents to make the solutions unpalatable. The bill includes limited liability and exclusions provisions and creates a misdemeanor for violations. (1 week)

HB 1246 (Chumney), as amended, prohibits automatic termination of health coverage for a spouse or dependent children upon divorce, separation or death. (1 week)

HB 1656 (DeBerry, J.) includes among procedures covered by insurance voluntary breast removal for women at high risk. (Last calendar)

HB 1482 (Armstrong) requires state registered architects or engineers to oversee construction phase services of buildings three stories or higher. (1 week)

HBs 1128, 1129, 1130, 1131, 1132, 1133 (Briley) deal with hospitals and medical service corporations in the areas of compliance with licensure requirements, the filing of registration statements, certain authority given to commerce and insurance, and other areas. (All rolled 1 week)

HB 1099 (Black), with the exception of TennCare, mandates coverage for early detection of colorectal screenings and lab tests. (1 week)

HB 2054 (McMillan) makes certain changes to present law relative to professional boxing and defines "amateur boxing match or exhibition." (1 week)

HB 0211 (Turner, M.), which makes it an unfair and deceptive practice for insurance companies to charge for issuing letters declining accident and health coverage, was taken off notice since TennCare has addressed this issue. HB 0792 (McKee) was also taken off notice. It allows a change in current levels relative to maximum risk and coverage for county mutual fire insurance companies.

HB 0711 (Towns), which prohibits insurance companies from denying coverage or increasing premiums based primarily on credit scores, failed for lack of a motion.

The following four bills were sent to the full committee:

HB 1943 (Hargrove) is a clean-up bill affecting Public Chapter 793 from last year dealing with the manufacture and installation of manufactured homes.

HB 1397 (Eldridge), as amended, deals with workers' compensation insurers and requires an insurer, upon request from an insured or producer of record, to provide a copy of the insured's prior three-year loss run history.

HB 0262 (Shepard), as amended, deals with prescription drug benefit management.

HB 2056 (McMillan), as amended, makes revisions to certain insurance provisions, including assessing a cost for additional rate filings, making filings through a designated filing depository, etc.

Utilities and Banking Subcommittee

The **Utilities and Banking Subcommittee** met Tuesday, April 8, with five bills on notice.

HB 0722 (Curtiss), as amended, requires dealer permission before filling or refilling liquefied petroleum gas tanks. The bill passed as amended to full committee.

HB 0931 (Hagood), as amended, revises present law for disclosure of customer information by financial institutions to allow such institutions to disclose information thought relevant to a possible violation of law. The bill passed as amended to full committee.

The following bills were rolled one week:

HB 1600 (West) reduces from seven to three years the amount of time a bankruptcy can prevent a person from becoming a collection agency location manager.

HB 1720 (Curtiss) enacts the "Tennessee Fair Lending Act" and would establish rules and regulations governing certain home loans and home loan lenders.

HB 1652 (DuBois) establishes procedures for issuance of administrative inspection warrants authorizing building officials to inspect premises to determine whether violations are occurring.

Small Business Subcommittee

The **Small Business Subcommittee** met Wednesday, April 9, with ten bills on calendar.

HB 1274 (Curtiss), as amended, creates an exception for automobile auctions from having to keep an escrow account. The bill passed as amended to full committee.

HB 0976 (Bowers) transfers the administration of Title V of the federal Older Americans Act, which deals with the employment of older workers, from the Commission on Aging and Disability to the Tennessee Department of Labor and Workforce Development. The Subcommittee went into recess to hear from James Neeley, Commissioner of the Tennessee Department of Labor and Workforce Development, and Charles Hewgley Assistant Director for the Commission on Aging and Disability. Commissioner Neeley spoke in favor of the bill, while Mr. Hewgley claimed the Commission on Aging now would prefer not to see the transfer happen. Chairman Hargrove pointed out his discovery that six Human Resource Agencies are currently contracted to perform the Title V duties, not the six current area directors for the Commission on Aging. Several members of the subcommittee expressed concern over the effects of this bill, taken together with another Commission on Aging bill, **HB 975** (Bowers), which is currently in the Public Health and Family Assistance

Subcommittee. The bill was rolled one week at Chairman Ferguson's request.

HB 1986 (Head), as amended, removes the exclusion from the definition of contractor those persons constructing residences on private property for resale in certain counties. The bill passed as amended to full committee.

HB 2057 (McMillan) includes information on pre-need trust accounts in the information that must be provided for the transferor to the Commissioner of Commerce and Insurance prior to the sale or transfer of a cemetery. The bill passed to full committee.

The following bills were rolled one week:

HB 1417 (McCord) requires vacation lodging services to be registered with the Division on Consumer Affairs in the Department of Commerce and Insurance.

HB 1782 (Pinion) exempts tow trucks performing consensual towing from the motor carrier provisions.

The following bills were taken off notice:

HB 0666 (Jones, S.) clarifies that alarm systems contractors working within the scope of their licenses are not subject to oversight by the Board for Licensing Contractors.

HB 0949 (Tidwell) exempts from continuing education requirements engineers who are 60 years of age or older and who have been licensed for more than ten years.

Study Committee on Plumbers Licensing

The study committee met for the second time on Monday, April 7. Benji Sneed, president of a Memphis plumbing association, and Jack Steakley, representing Nashville plumbers, spoke in favor of a graduated licensing plan that provides for a journeyman, apprentice, and master plumber, while Phyllis Blevins of the State Contractors Board and Bob Pitts of the Associated Builders and Contractors spoke against such a plan. The committee plans to meet again next Monday at 2:00 in LP31 and hear from architects, engineers, contractors, and inspectors.

**Study Committee
on Plumbers
Licensing will meet
again on April
14th, 2:00 p.m. in
Room 31.**

Conservation & Environment

Greg E. Adkins

The Full Committee

The **Full Environment Committee** met on Tuesday, April 8, 2003 and considered three bills. **HB 950** by Rep. Tidwell passed to C&R; the bill prohibits management of state golf courses from giving away free golf to public officials for life or for an extended length of time unless approved by the Senate and House Environment Committees. **HB 1412** by Rep. Davidson passed to FW&M. The bill requires the Agriculture Commissioner to calculate the annual amount of agricultural water usage. **HB 2033** by Reps. Hood and McMillan was rolled one week. The bill revises the description of Shelby Farms-Lucius E. Burch as natural areas and increases the size of some existing natural areas.

Wildlife Subcommittee

The **Wildlife Subcommittee** met on Tuesday, April 8, 2003 and considered two bills. **HB 1568** by Rep. McCord was rolled one week. The bill creates the "Tennessee Off-Highway Motor Vehicle Act." The act would require registration of off-road vehicles used for recreation upon purchase. The bill requires that individuals riding off-road vehicles on private land obtain permission from the private landowner. **HB 1049** by Rep. McCord passed to full committee as amended. The amended bill allows a 100% disabled veteran to be exempt from buying a hunting/fishing license.

Environment Subcommittee

The **Environment Subcommittee** met on Tuesday, April 8, 2003 and considered four bills. Rep. Briley rolled both **HB 170** and **HB 603** for one week. **HB 170** would mandate a state tax of \$13.00 on every separate work unit of nuclear material. The revenue generated from the tax would go into a non-nuclear renewable energy development fund. Current law is permissive for each county or municipality to establish a privilege tax on special nuclear material at a rate of \$0.30 for every separate work unit. **HB 603** decreases the number of days the water utility board has to notify appointing authority in writing of vacancy and decreases the number of days appointing authority has to fill such vacancy from 90 to 60 days. **HB 480** by Rep. Fraley was rolled to 2004; the bill deletes the existing requirement that a drycleaner registration fee be based on the amount of drycleaner chemicals purchased. **HB 657** by Rep. Tidwell was taken off notice.

Parks Subcommittee

The **Parks Subcommittee** met on Wednesday, April 9, 2003 and took two bills off notice; HB 412 by Rep. Brooks (Knox) and HB 893 by Rep. Cooper. Both bills are identical and both enact major changes concerning

state park funding. The bills would enact the "State Park Funding Act of 2003."

The bills set up a separate park fund and the money appropriated to the fund would not revert back to the general fund. The bills also mandated entrance fees for the parks and the annual pass would cost \$10 per individual.

**Environment
Subcommittees
have announced
plans to close next
week.**

Consumer & Employee Affairs

Shannon Romain

The Full Committee

The following bills were referred to Calendar and Rules. **HB 1551** and **1552**, (both by Rep. Hargrove) pertain to the Unclaimed Property Act. HB 1551 exempts certain gift certificates turned over to the Treasurer as unclaimed property when the certificates do not have an expiration date or when the issuer has failed to charge a dormancy charge. It also reduces the time that an issuer must wait to report the certificate to the Treasurer from over five years to the earlier of two years or the certificate's expiration date.

HB 1552, as amended, reduces the period of time from five to three years that an insurance company that converts from a mutual structure to a stock ownership structure must hold the fund or shares of an owner that cannot be located before they must be reported to the Treasurer as abandoned property. The bill also clarifies the right of the Treasurer to examine the records of certain companies to determine if unclaimed funds have been properly reported. Furthermore, it clarifies that the Treasurer has the authority not to assess penalties or to waive assessed penalties in certain situations when unclaimed funds or shares have not been reported timely. The amendment makes the bill.

Consumer Affairs Subcommittee

There was one bill on the calendar this week. **HB 0667** (Rep. Jones, S.) adds veterinarians to the list of providers covered under the Health Care Consumer Right to Know Act of 1998. The bill was referred to the full committee.

Employee Affairs Subcommittee

The committee referred **HB 2012** (Rep. McMillan), an administration bill, to the full committee. An amendment that rewrites the bill was introduced. If amended, the bill gives the commissioner or a designated representative of the Department of Labor and Workforce Development the discretion to assess penalties for wage violations. Furthermore, the amendment adds a new section to the current law that mandates that the assessment shall become the final order of the commissioner and is not subject to further review if the employer fails to notify the department of its intent to contest the assessment within 30 days from the receipt of written notice of the penalty.

HB 1070 (Rep. Godsey) pertaining to unemployment compensation was deferred for one week and **HB 0033** (Rep. Turner, M), authorizing unemployment insurance benefits to victims who leave work or are discharged resulting from domestic violence, was taken off notice.

**Note: The Consumer Affairs Subcommittees
will close in 2 weeks. All bills have been put on
notice.**

Education

Pam Mason

The Full Committee

The Education Committee has five bills on notice.

Moved to Calendar & Rules:

HB 1175 - (Brown) redefines in the TCA "low performing schools and school districts" as "high priority schools and school districts."

HB 2014 - (McMillan) provides for electronic dissemination of public chapters on education to LEAs as opposed to written material.

HB 2015 - (McMillan) revises the criteria for determining at-risk children for pre-school and early learning programs to those qualifying for free and reduced lunch pursuant to 42 U.S.C. Section 1771.

Moved to Finance, Ways & Means:

HB 1665 - (Brooks) allows a municipal school system, having the greatest number of schools placed on notice of probation, to establish an inner city educational enhancement pilot project. These programs and services shall be provided, principally, by qualified volunteers. An amendment adopted by the committee removes the provision that the Department of Education and the Office of Education Accountability would monitor and report by January 15, 2004 to the Select Oversight Committee on Education. In addition, this amendment added the language ", members of the Urban League, or public employees" in defining volunteers.

Deferred one week:
HB 995

K-12 Subcommittee

On Tuesday, April 8, the K-12 Subcommittee met to consider 42 bills on its calendar.

Moved to full committee:

HB 889 - (Stanley) requires the State Board of Education to adopt maximum standards for elementary and secondary textbooks considering health risks to students.

HB 1097 - (DeBerry, L.) creates an early math placement testing program to decrease the number of high school graduates requiring postsecondary mathematics remediation.

Deferred one week:

HB 1925	HB 1188
HB 1723	HB 1200
HB 2035	HB 1201
HB 99	HB 1302
HB 100	HB 1372
HB 525	HB 1407
HB 638	HB 1432
HB 752	HB 1433
HB 988	HB 1752
HB 1142	HB 1143
HB 1174	HB 1886
HB 1850	HB 1869
HJR 19	

Deferred two weeks:
HB 436
HB 437

Deferred to last calendar:
HB 1429
HB 1431

Taken off notice:

HB 218	HB 1349
HB 246	HB 1661
HB 1241	HB 1911
HB 1242	HB 1961
HB 524	

Referred to the Select Oversight Committee on Education:

HB 53 - (Turner, M.) provides for consolidation of school systems to one per county by September 1, 2006.

Higher Ed Subcommittee

Tuesday, April 8, the Higher Ed Subcommittee met to consider its calendar.

Sent to full committee:

HB 1891 - (Bowers) as amended requires new incoming students at public or private higher education institutions to submit a waiver form indicating that the institution has provided detailed information regarding risk factors for hepatitis B infection. A student 18, or for minors, a parent or guardian, may sign to complete the form. The form will be kept in the student's confidential medical records at the institution. The amendment made the bill's fiscal note not significant.

HB 807 - (Black) allows TSAC to set interest rate on unpaid graduate nursing program loans when loan recipient does not remain in, and/or return to, state to teach or practice.

HB 1093 - (DeBerry, L.) requires higher education institutions to report to law enforcement officer if there is a probable cause to believe a student has committed any felony of Class A misdemeanor while on campus.

HB 233* - (Bone) enacts "Tennessee National Guard Tuition Assistance Act."

Deferred one week:

HB 526	HB 1708
HB 737	HB 1884
HB 1173	HB 1940
HB 1199	HB 1949
HB 1227	HB 1987
HB 1326	

Deferred two weeks:
HB 1282

Deferred to last calendar:
HB 1103

Taken off notice:
HB 1998 HB 1411

HB 1043 HB 1653
HB 195 HB 1683
HB 196 HB 1684
HB 1178

Referred to the Select Oversight Committee on Education:

HB 550 - (Armstrong) requires Pellissippi State Community College to offer a nursing program.

HB 1421 - (Winningham) authorizes Roane State Community College to offer a career technical program leading to an associate degree in applied science.

The last bill on the calendar was **HB 787** - (Newton) requires that all funds appropriated from lottery proceeds be used to supplement, not supplant, non-lottery resources for educational purposes and programs. Rep. Newton offered an amendment making the bill and asked the committee to study this amendment for further consideration at its next meeting. The three main sections of this bill are described below:

Section 1 addresses scholarship awards and criteria for General Assembly Merit Scholarship, the Tennessee Hope Scholarships, and the Wilder-Naifeh Technical Skills Grants.

Section 2 proposes criteria for establishing early childhood education.

Section 3 outlines the "Tennessee Lottery Funds for Education Projects Loan Act of 2003."

Section by section discussion will begin next week in the subcommittee. Possible changes in location, time or date will be posted.

***These bills were recommended to full committee but will be held until such time that the fiscal note can be addressed.**

Finance, Ways & Means

Cathy Higgins

**The Full Committee
Tuesday, April 8, 2003**

The full committee met to discuss 20 bills on calendar. Four bills (HB1895 and HB1470 by Head, HB2003 by McMillan and SJR 0117) were rolled to next week's

calendar. The remaining bills were recommended to Calendar and Rules.

HB 0948 by Tidwell names a segment of the highway in Hickman County to honor Trooper Kent Montgomery.

HB 1706 by DuBois, which was recommended by the Council on Pension and Insurance, permits any entity that is engaged in the administration of the programs authorized under the (federal) Workforce Investment Act of 1998 to be eligible to participate in the Tennessee Consolidated Retirement System. All costs associated with the retirement coverage, including administrative costs, will be the responsibility of the entity. Four of the 13 workforce areas could begin participating upon passage of this legislation.

HB 1257 by McMillan, as amended, requires the Registry of Election Finance to develop an Internet-based electronic filing process for use by all candidates for state public office and all political campaign committees which are required to file statements and reports with the Registry of Election Finance. The Registry is to implement the electronic filing system by the 2004 regular August election. Information entered by any candidate or campaign committee will remain confidential until the information is filed with the Registry of Election Finance. The bill provides a fee structure that will pay the cost of the electronic filing system. Citizens will have access to the list of campaign contributions made to candidates as well as expenditures made by those candidates.

HB 0647 by Stanley will allow governing bodies of two or more municipalities to enter into agreements creating a corridor to link central business districts. Such corridors would be subject to all the present law provisions relative to a simple business district.

HB 1077 by Shaw, recommended by the Council on Pension and Insurance, will permit any retired employee of a county to work for the State of Tennessee, receive publicly funded compensation, and also receive his/her public retirement benefit.

HB 0519 by Turner (Shelby) authorizes the issuance of a new license plate for Prince Hall Masons.

HB 1808 by Rinks will permit the Department of Revenue to engage attorneys or debt collection agencies for unpaid debts owed to the Department by both in-state and out-of-state taxpayers. Currently, the Department can only use these resources for out-of-state taxpayers.

HJR 0032 by McDaniel names the armory in Henderson County to honor Major General Dan Wood.

HB 1980 by Head authorizes the issuance of a new license plate to promote breast cancer awareness.

HJR 0075 by Maddox creates a special joint study committee to review the Tennessee Board of Education rules and regulations regarding intellectually gifted students. As amended in Education, the members of the study committee will not receive compensation or reimbursement for travel.

HB 1945 by Hargrove modifies disposition of marketable securities under the Uniform Disposition of Unclaimed Property Act if the value is less than \$500.

HB 0965 by Brooks (Knox) requires the Department of Environment and Conservation to establish criteria for Solid Waste Management Fund Grants for local governments that employ disabled adults.

HB 1032 by Rinks adds the counties of Benton, Decatur and Hardin to the West Tennessee River Basin Authority.

HB 1802 by Rinks changes the minimum payment of the quarterly franchise and excise tax from the lesser of 25% of the prior year's liability or 25% of 80% of the current year's liability to the lesser of 25% of the tax shown on last year's return or 25% of 100% of the current year's liability.

HB 1469 by Head revises the procedures for filing tangible personal property schedules.

HB 0257 by Shepard requires a qualified nurse wanting a certificate to practice as an advanced practice nurse to apply to the Board of Nursing for certification. Current law makes it permissive as to whether such certification is obtained.

Budget Subcommittee Wednesday, April 09, 2003

The members of budget sub met to discuss 20 bills on calendar this week. Several were rolled to future calendars. House Bill 0719 by Patton was taken off notice. The following bills were referred to full committee.

HB 1990 by Hood as amended, provides a job tax credit and an industrial machinery excise tax credit for a

general partnership that establishes and operates a call center in Tennessee that is placed in service on or after June 30, 2003.

HB 0913 by Hargett requires optometry applicants to graduate from a school approved by the Board, revises conflict of interest provisions for Board members, and increases Board members' per diem from \$50 to \$100.

HB 1635 by West names the Codes Prop House at the fire academy to honor William J. Tangye. Cost of the sign will come from non-state sources.

HJR 0061 by West names the administration building at the Tennessee School for the Blind to honor Ralph A. Brewer. Cost of the sign will come from non-state sources.

HB 1685 by Montgomery authorizes the issuance of a new license plate to honor Volunteer Firefighters.

HB 1994 by Miller, as amended, provides for the consolidation of the state's property insurance program and casualty insurance program into a single fund for accounting and budgeting purposes.

HB 1731 by Garret provides that the circuit or the chancery court of the county in which the petitioned child resides will have jurisdiction to hear cases involving grandparent visitation.

HB 0566 by Brooks (Shelby), from State and Local, enacts the "Inner-City Redevelopment Act of 2003."

HB 1784 by Wood, from Judiciary, amends the existing code relative to criminal records of vehicle operators transporting the public and the costs of the investigation of the applicants. Currently, the code limits this provision to counties with a metropolitan form of government and population in excess of 100,000 (Davidson) and counties with a population of 825,000 to 830,000 (Shelby) based on 1990 census. This bill will expand the applicable counties to all those with a population of 100,000 or more based on 2000 federal census. Applicable counties: Blount, Hamilton, Knox, Montgomery, Rutherford, Sullivan, Sumner, Washington and Williamson.

HB 0303 by McMillan, from Education, requires that new students at any public or private institution of higher learning, who live in on-campus student housing, shall return a completed waiver regarding meningococcal disease. This form will indicate the availability and effectiveness of the vaccine and that the student, parent

or guardian has received the information and chosen for the student to have or not have the vaccine. If the student has received the vaccine, the date of such must be given. This information will be filed in the medical files on campus which are confidential.

Government Operations

Brian Zuzenak

Tuesday, April 8, 2003

The **House Government Operations Committee** met at 10:30 on Tuesday to consider seventeen pieces of legislation.

HB 1634 (West) was referred to Commerce. It revises the licensure and disciplinary actions of polygraph examiners.

HB 1176 (McCord) was referred to Commerce. It increases the membership of the Real Estate Commission from nine members to eleven. The two new members must be from a vacation lodging service and a time-share broker. These groups are not currently represented on the commission.

HB 0727 (Curtiss) was referred to Commerce. It requires local fire departments to register with the Department of Commerce and Insurance and establishes minimum equipment and training standards.

HB 1776 (Johnson, R.) was referred to Conservation. It adds an additional member to four environmental boards: Air Pollution Control Board, Solid Waste Disposal Board, Petroleum Underground Storage Tank Board, and Water Quality Control Board.

HB 1650 (McMillan) was referred to Commerce. It creates a committee to establish a preferred drug list to govern all state purchases of prescription drugs.

HB 0868 (Davis) was referred to Judiciary. It establishes uniform measures for individuals to utilize in making health care decisions as they relate to living wills and powers of attorney.

HB 1491 (Kernell) was referred to Calendar & Rules. It extends the termination date of the Alcoholic Beverage Commission to 2008. The Comptroller's Audit noted that the commission has renewed some licenses of people who have delinquent taxes. The Department of Revenue and the commission testified that those problems have been fixed.

HB 1500 (Kernell) was referred to Calendar & Rules. It extends the termination date of the Department of Veterans' Affairs to 2007.

HB 1502 (Kernell) was referred to Calendar & Rules. It extends the termination date of the Cemetery Advisory Board to 2009.

HB 1504 (Kernell) was referred to Calendar & Rules. It extends the termination date of the Office of Business Enterprise to 2009.

HB 1514 (Kernell) was referred to Calendar & Rules. It extends the termination date of the Local Government Planning Advisory Committee to 2009.

HB 1519 (Kernell) was referred to Calendar & Rules. It extends the termination date of the Review Committee to 2009.

HB 1539 (Kernell) was referred to Calendar & Rules. It extends the termination date of the Board of Standards to 2009.

HB 1547 (Kernell) was referred to Calendar & Rules. It extends the termination date of the Committee for Clinical Perfusionists to 2005.

HB 1462 (Chumney) and **HB 1535 (Kernell)** were rolled one week. **HB 1520 (Kernell)** was taken off notice.

Health & Human Resources

Judy Narramore

The Full Committee

The **Health & Human Resources Committee** met at noon on Tuesday, April 8, to consider 11 pieces of legislation. Rep. Ferguson took **HB 0544** off notice and Rep. Bowers rolled **HB 0593** to the last calendar.

Seven bills were referred to C&R. **HB 1069** by Rep. Godsey authorizes an EMT-P to be licensed as an EMT by submitting an application to the EMS Board and completing any training required by the Board. **HB 0763** by Rep. Kent requires that hearing aids be marked with the name of the manufacturer or distributor or model name or number, as well as the serial number and year of manufacture. **HB 0434** by Rep. Patton as amended requires that an automated external defibrillator be registered, within a reasonable time after placement of the device, with an emergency communications district or ambulance dispatch center. **HB 1676** by Rep. S. Jones as amended requires that one member of the EMS Board be an EMT-P, EMT, or RN, and that such member be nominated by the Tennessee Professional

Firefighters Association. **HB 2037** by Rep. L. DeBerry allows the Department of Human Services to operate the Families First Program in the event of changes in federal law affecting the current waiver. **HB 1087** by Rep. L. DeBerry as amended clarifies existing CON statute related to the relocation of the principal office of a home health agency or hospice within the same county and exempts home care organizations providing only professional support services from the CON process. **HB 1779** by Rep. Pruitt removes from statute the amount of equity in an automobile that is not calculated in determining eligibility for the Families First Program; that amount is currently \$4600. Eliminating the statutory limit will allow the Department of Human Services to set the amount by rule. If no amount were set by rule, there would be a decrease in the number eligible for Families First, whereas, if the amount were established higher than the current statutory amount of \$4600, there would be an increase in the number of eligibles.

Two pieces of legislation were referred to FW&M. **HB 1252** by Rep. McMillan allows property owned by the state development centers controlled by the division of mental retardation services to be sold or leased, with the proceeds of such sale or lease deposited in a special trust fund earmarked for purposes of planning and developing programs for persons with mental retardation. **HJR 0175** by Rep. L. DeBerry as amended creates a special joint committee to study various issues relative to prematurity and Tennessee's rate of premature births.

After completing the calendar, Commissioner Lodge, Department of Human Services, presented the department's FY 03/04 budget and base budget reductions.

Mental Health Subcommittee

The **Mental Health Subcommittee** met Tuesday afternoon and referred two bills to full committee. **HB 0236** by Rep. Newton as amended adds definitions for *abuse*, *misappropriation of property*, and *neglect* to existing code in Title 33. **HB 0546** by Rep. Maddox requires the Department of Mental Health & Developmental Disabilities to have applications available as provided under the Community Mental Health Center Cooperation Act of 1998 on or before January 1, 2004. Rep. Odom took

The Mental Health Subcommittee will hold its final meeting on Tuesday, April 15th.

HB 1702 off notice and Rep. McCord rolled **HB 1900** for two weeks.

Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met Wednesday morning, April 9, and referred **HB 1453** by Rep. Hagood to full committee. **HB 1453** authorizes the Board of Dentistry to issue facility permits for dental offices where dentists use general anesthesia, deep sedation or conscious sedation. Rep. Odom rolled **HB 1697** one week for drafting of amendatory language. The remainder of the committee time was devoted to testimony from representatives of the Tennessee Dental Association and the Tennessee Medical Association regarding **HB 1452** that relates to oral and maxillofacial surgery.

Chairman Odom announced that the **final meeting** of the Professional Occupations Subcommittee would be held no later than April 23. All bills have been placed on notice for the April 16 meeting.

Public Health & Family Assistance Subcommittee

Wednesday morning, the **Public Health & Family Assistance Subcommittee** had 14 bills on calendar. Five bills were referred to full committee. **HB 0470** by Rep. Fowlkes extends the right of access to public buildings for dog guides in training to dogs being raised or socialized under the authorization of an accredited school for training dog guides. **HB 0641** by Rep. Maddox revises the licensing fee paid by certain home care organizations and redefines *personal support services*. **HB 0707** by Rep. Towns prohibits school personnel from recommending psychotropic drugs to treat children in elementary and secondary schools. However, a school's medical staff would not be prohibited from recommending appropriate medical evaluation of a student with the parent's consent. **HB 1148** by Rep. J. DeBerry requires that TennCare recipients have unrestricted access to medications prescribed for diabetes, cancer, HIV/AIDS, and mental illness. **HB 1768** by Rep. Black removes from current law reference to a felony conviction being grounds for not issuing a massage therapist's license.

HB 1244 by Rep. Chumney ("Tennessee Children's Product Safety Act of 2003") failed on a roll call vote of 3-4. **HB 0975** by Rep. Bowers (services provided by Commission on Aging and Disability) was rolled two weeks pursuant to the public hearing that was

rescheduled to April 16 at 2:30 PM. Two bills were taken off notice: **HB 1037** by Rep. Rinks and **HB 1089** by Rep. L. DeBerry. The remaining five bills on calendar were rolled one week: **HB 0442** by Rep. Bowers, **HB 0669** by Rep. M. Turner, **HB 0708** by Rep. Towns, **HB 1060** by Rep. McCord, and **HB 2039** by Rep. B. Turner

Chairlady Pruitt announced that the **final meeting** of the Public Health & Family Assistance Subcommittee would be held on April 23.

The Professional Occupations and Public Health & Family Assistance Subcommittees plan to hold final meetings on April 23rd.

Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** met at noon on Wednesday with four bills on notice, referring two to full committee and rolling two. **HB 0554** by Rep. Armstrong as amended, which requires the Department of Health to create a 12-month demonstration project in one nursing home to confirm the value of disabled volunteers in long-term care facilities, was referred to full committee. The participating nursing home is to be reimbursed for costs up to \$10,000 funded from the Nursing Home Resident Protection Trust Fund. **HB 1424** by Rep. Armstrong that specifies that the \$100 license fee paid to the Health Planning and Advisory Board for home care organizations is applicable only to organizations that provide home health services or hospice services was referred to full committee. This bill also eliminates the \$50 fee for homes for the aged, the \$100 fee for assisted living facilities, and applies the \$75 license fee to non-residential methadone treatment facilities but not other alcohol and drug facilities. After considerable discussion and testimony on **HB 0608** related to private laboratories conducting newborn testing, Rep. J. DeBerry rolled the bill at the request of the subcommittee. Rep. Briley rolled **HB 1135** ("nursing home compassion bill") for purposes of drafting a new amendment. Concerning this bill, the subcommittee heard brief testimony from representatives of the AARP and nursing homes.

Chairman Overbey announced that the Health Care Facilities Subcommittee would hold its **final meeting** on Wednesday, April 16.

Final meeting of Health Care Facilities: April 16th.

Judiciary

Paige Edwards

Criminal Procedure & Practice

On Tuesday, the **Criminal Procedure & Practice Subcommittee** met to consider 23 bills. **HB 725** by Representative Curtiss and **HB 1245** by Representative Chumney were taken off notice. Representative Casada rolled **HB 281** and **HB 1695** to 2004 so that more time could be provided to discuss the legal and constitutional implications that would arise from changes in the implied consent law for DUI violations. Representative Pruitt rolled **HB 568** and **HB 956** for two weeks. **HB 457** by Representative Briley, **HB 607** by Representative John DeBerry, **HB 652** by Representative Stanley, **HB 782** by Representative Patton, **HB 1202** by Representative Chumney, **HB 1231** by Representative Windle, **HB 1641** by Representative West, and **HB 1901** by Representative McCord were rolled for one week.

The following nine bills were sent to the full committee:

- **HB 605** by Representative John DeBerry authorizes a law enforcement officer to require a driver to take a BAC test under certain circumstances when the driver is involved in an accident resulting in injury or death of another. The BAC test would be given if the law enforcement officer has probable cause to believe that the driver was driving under the influence of drugs or alcohol, committed vehicular assault, vehicular homicide, or aggravated vehicular homicide. The test would be performed whether or not the driver consents to the test. The results of the test would be admissible in evidence by the state or the driver in any court or administrative hearing relating to such accident or offense.
- **HB 713** by Representative Hackworth modifies the offense of custodial interference. Under this bill, custodial interference would include the removal or detainment of a child from a mother's custody without consent when the unwed mother has automatic custody. **HB 713** will be considered with **HB 1275** in the full committee.
- **HB 847** by Representative Armstrong, as amended, authorizes merchants to conduct investigations to deter the sale of alcohol and tobacco products to underage consumers. Also, this bill would provide guidelines for approving underage individuals to participate in these investigations. This bill would provide merchants with authority similar to law

enforcement officers who conduct sting operations as an effort to enforce the laws prohibiting the sale of alcohol or tobacco products to underage consumers.

- **HB 1138** by Representative Briley prohibits the statements of a criminal defendant given at a custodial interrogation to be admitted in evidence unless an electronic video or audio recording is made of the interrogation. Under this bill, a statement made during a prior custodial interrogation without being recorded would not be admissible for other than impeachment purposes. Also, this bill provides exceptions that would allow certain statements in evidence. The issue concerning electronic recordings of custodial interrogations continues to be heavily debated, and the full committee will address those concerns.
- **HB 1145** by Representative John DeBerry modifies the law for reporting child sexual abuse. This bill adds statutory rape to the definition of child sexual abuse for reporting purposes. This bill would require a doctor to report any case regarding any minor having a sexually transmitted disease to the department of health. Furthermore, the department of children's services would be informed of these cases to investigate for possible sexual abuse, including statutory rape. Also, this bill would require a doctor, health care provider, or other person examining or treating a child, who determines that such child is pregnant, to report the case to the department of children's services.
- **HB 1147** by Representative John DeBerry redefines a habitation for the purpose of prosecuting burglary offenses. Under this bill, a habitation would include outbuildings such as detached garages, storage sheds, buildings and workshops that are contained within the curtilage of a property located within a residential area.
- **HB 1275** by Representative Patton revises the present law offense of custodial interference. Also, this bill prohibits a defendant from asserting a defense to the offense of custodial interference when the child or incompetent is voluntarily returned. As noted, HB 1275 and HB 715 will be considered at the same time in the full committee.
- **HB 1322** by Representative Sontany, as amended, adds a member from the House of Representatives and a member from the Senate to the victims of crime state coordinating council. The speakers of the House of Representatives and the Senate would choose these members. The per diem and mileage costs incurred would be paid from existing grant funds awarded to the council to pay for administrative expenses.

- **HB 1654** by Representative Briley would require the retention and preservation of all evidence or biological material susceptible to DNA analysis that is secured in connection with a criminal case. The evidence or biological material would be retained and preserved by the appropriate government entity. This bill would provide for the disposal of the evidence or biological material before a person is released from incarceration. Also, this bill provides sanctions for the unauthorized destruction of the evidence or biological material.

Constitutional Protections

On Tuesday, the **Constitutional Protections**

Subcommittee met to consider seven bills. HR 40 by Representative Brooks (Shelby) failed to pass and will stay in the subcommittee. HB 561 and HB 867, both by Representative Brooks (Shelby), failed for lack of a second to the motion to pass the bill out of the subcommittee. HB 947 by Representative Tidwell was taken off notice. HB 438 by Representative Bowers was rolled for one week.

The following two bills were sent to the full committee:

- **HR 12** by Representative Brooks (Shelby) creates a commission to study issues relating to slavery in the United States. The commission would examine issues that have contributed to discrimination and other pervasive effects against African-Americans. Furthermore, this commission would examine suitable remedies, such as reparations and a formal apology from the state.
- **HB 1401** by Representative Brooks (Knox) allows post- secondary institutions to disclose the final results of any disciplinary proceeding conducted against a student who commits a violent crime or a nonforcible sex offense. Likewise, this bill would authorize institutions of higher education to disclose information to a student's parent or legal guardian regarding any violation governing the use or possession of alcohol or drugs. Also, this bill would allow educational institutions to disclose information concerning sex offenders who are required to register with the law enforcement agency of such institution.

Judicial Administration....next page

Judicial Administration

On Tuesday, the **Judicial Administration Subcommittee** met to consider seven bills. HJR 274 by Representative McMillan, HB 837 by Representative Head, and HB 1320 by Representative Brooks (Knox) were rolled for one week.

The following four bills were sent to the full committee:

- **HB 1324** by Representative Kent clarifies that court clerks would not be responsible for paying and delivering funds that have been collected from a successful party to pay for fees, other costs, and litigation taxes. These fees, costs, and litigation taxes that are rendered as part of the successful party's judgment would be recoverable and enforceable in the same manner as a money judgment.
- **HB 1264** by Representative Walker, as amended, specifies that the salary for a general sessions court judge shall be determined by the higher classification, on the basis of the subsequent census, for the remainder of the judge's term and subsequent terms in office. This bill states that the judge's salary will not be less than the salary paid prior to the re-classification. This bill would become effective on September 1, 2006. HB 1264 was sponsored previously by Representative Curtiss.
- **HB 407** by Representative Briley creates a new chancellor position and two new criminal court judge positions in Davidson County.
- **HB 1325** by Representative Kent, as amended, increases the fees for filing instruments with a court clerk from \$2.00 to \$4.00. Also, this bill increases the fees for entering each judgment with a court clerk from \$3.00 to \$5.00. However, the costs paid by the state would remain the same as under present law.

NOTE: The **Judicial Administration Subcommittee** will hold its final meeting of the year on April 22, 2003.

Civil Procedure and Practice

On Wednesday, the **Civil Procedure & Practice Subcommittee** met to consider 26 bills. HB 969 by Representative Matheny failed for lack of a motion. HB 706 by Representative Towns, HB 2005 by Representative McMillan, and HB 853 by Representative Kernell were taken off notice. HB 761 by Representative Todd was rolled to 2004. HB 986 by Representative Overbey and HB 1073 by Representative Godsey were rolled to the last calendar of the

subcommittee. HB 709 by Representative Towns, HB 977 by Representative Bowers, HB 1046 by Representative McCord, HB 1057 by Representative McCord, HB 1474 by Representative Briley, HB 1602 by Representative West, HB 1935 by Representative Bunch, HB 1937 by Representative Bunch, HB 1189 by Representative Davis, HB 1341 by Representative Hargrove, HB 260 by Representative Buck, HB 163 by Representative Buck, and HB 721 by Representative Buck were rolled for one week.

The following six bills were sent to the full committee:

- **HB 177** by Representative Fowlkes does not require the social security number for the respondent, the petitioner, and the proposed conservator to be included in a petition for the appointment of a conservator.
- **HB 189** by Representative Turner (Davidson), as amended, adds another item to the list of available remedies that an employee may seek in an action against an employer who wrongfully commits discriminatory acts in violation of the state's wage regulations. Under this bill, an aggrieved employee may be awarded compensatory and punitive damages in addition to unpaid wages, attorney fees, and court costs. Also, this bill directs the Economic Council on Women to conduct a study to examine issues relating to wage disparity.
- **HB 820** by Representative Overbey, as amended, allows notaries to use a stamp to imprint their seal of office. Impression notary seals would be valid until the end of the notary's term of office. As amended, the use of an embossed notary seal after the bill's effective date would not render the acknowledgement defective.
- **HB 1001** by Representative McMillan and Representative Johnson (Loudon), as amended, authorizes any military veteran or other designated individuals to request the removal of military discharge records from the official records held in the office of register of deeds, except records preserved on microfilm. Likewise, these individuals may request that the veteran's social security number be redacted from any military discharge record if the storage of the records permits redaction. This bill provides a standard request form that can be completed and submitted for recording in the office of the county register of deeds. This bill specifies that military discharge records may be viewed through a subscription service approved by the county register. Also, this bill prohibits placing a social security number on any document filed or recorded in the office of the county register of deeds.

- **HB 1846** by Representative Bunch, as amended, provides homestead exemption amounts for elderly people. Under this bill, an unmarried individual who is 62 years of age or older would be entitled to a homestead exemption not exceeding \$12,500 upon real property that is owned by the individual and used by the individual as a principal place of residence. The homestead exemption for a married couple, one of whom is 62 years of age or older, would be \$20,000 upon real property that is owned by one or both members of the couple and used by the couple as their principal place of residence. The homestead exemption for a married couple, both of whom are 62 years of age or older, would be \$25,000 upon real property that is owned by one or both members of the couple and used by the couple as their principal place of residence.
- **HB 2030** by Representative McMillan and Representative Fowlkes, as amended, revises provisions in the Homeland Security Act that were enacted last year. Under this bill, confidential records of utility service providers and government entities would be provided to governmental agencies performing official functions. This bill has been introduced to rectify any potential conflict with existing policy.

NOTE: The **Civil Procedure & Practice Subcommittee** will hold its final meeting of the year on April 23, 2003. Also note, additional time will be allotted for the subcommittee meeting next week to discuss HB 977 by Representative Bowers.

The Full Committee

On Wednesday, the **Full Judiciary Committee** met to consider 18 bills. HB 796 by Representative Patton failed to pass. HB 866 by Representative Brooks (Shelby) was rolled to the last full committee calendar for 2003. HB 594 by Representative Pleasant and HB 1405 by Representative Davis were rolled to 2004. HB 92 by Representative Buck, HB 1293 by Representative Fowlkes, HB 1696 by Representative Casada, HB 441 by Representative Bowers, HB 1673 by Representative Matheny, and HB 1378 by Representative Turner (Hamilton) were rolled for one week.

HB 539 by Representative Overbey was sent to **Finance, Ways, & Means**. HB 539, as amended, prohibits expungement of a defendant's records or charges when such defendant has been convicted of any offense or charge, including a lesser included offense or charge.

The following seven bills were sent to **Calendar & Rules**:

- **HB 296** by Representative Windle, as amended, requires grand jury indictments to be presented to the court clerk and filed.
- **HB 63** by Representative Overbey authorizes a county magistrate, who is bonded and has successfully completed a firearm-training program, to carry a handgun at all times. This authorization would be given pursuant to a written directive by the executive supervisor of the organization to which the magistrate is attached. This bill was considered during the 102nd General Assembly and passed in the House of Representatives.
- **HB 1415** by Representative Buck, as amended, revises the law for bail revocation. Under this bill, a defendant's bail would be revoked for convictions of first-degree murder that impose a life sentence without parole or death. Also, a defendant's bail would be revoked for committing a Class A felony, aggravated robbery, aggravated sexual battery, aggravated kidnapping, or controlled substance offenses unless the court finds that the defendant is not a flight risk or does not pose a danger to the community. Furthermore, a defendant convicted for these offenses could obtain bail if there is a substantial question of law likely to result in a reversal, an order for a new trial, or a reduced sentence. This bill was introduced to create compliance with the federal criminal court system.
- **HB 491** by Representative Buck, as amended, transfers probate duties from county clerks to other clerks in the county who serve in courts with probate jurisdiction. This transfer would occur no later than July 1, 2006. The amendments that were added in the full committee would exclude the counties of Rutherford, Cumberland, Loudon, and Putnam from the provisions of this bill.
- **HB 499** by Representative Buck, as amended, requires the general sessions clerk or clerk and master to serve as the juvenile court clerk in counties where the general sessions court is also the juvenile court. This transfer would occur no later than July 1, 2006. Also, this bill would remove the authority for the county legislative body or special juvenile court judge to designate a clerk to serve as clerk of the special juvenile court. This bill would not affect special juvenile courts authorized by law or elected juvenile court clerks.
- **HB 2040** by Representative McMillan and Representative Shepard, as amended, imposes

additional sanctions against the license or certificate holder involved in a contested disciplinary case with the department of health. Under this bill, the division, board, council, or committee that hears the case would have the discretion to require the license or certificate holder to pay the actual and reasonable costs of the investigation and prosecution of the case.

- **HB 541** by Representative Ferguson, as amended, provides that no cause of action may be instituted against a real estate agent for information contained in any reports or opinions prepared by an engineer, land surveyor, geologist, wood destroying inspection control expert, termite inspector, mortgage broker, home inspector, or other home inspection expert. Also, no cause of action would be brought against a real estate agent for any information contained in the residential property disclosure form unless the agent is the signatory to the form. This bill would not exempt or excuse a real estate agent from making disclosures that are required by law. Likewise, this bill would not remove, limit, or affect any remedy provided by law for failure to disclose.

State & Local Government

Lawrence Hall, Jr.

The Full Committee

This week in the **State and Local Government full committee**, **HB 465**, by Rep. Overby was passed to the Calendar and Rules Committee. This bill creates a procedure for both the annexing municipality and the county to determine the cost to be paid for providing utility services. **HB 1561**, by Rep. Jones (Shelby) was also passed to Calendar and Rules. This bill requires the state election coordinator to establish rules to determine valid voter registration forms.

HB 0001, by Rep. Newton, was rolled for one more week. This is the lottery implementation bill. This legislation will establish a corporation to operate the daily affairs of the Tennessee lottery. The members considered an amendment proposed by the administration that contains:

- (1) a prohibition on members of the General Assembly and members of the Governor's cabinet and staff from

receiving any compensation from a lottery vendor or any company contracted by the lottery corporation. This prohibition will continue to exist for two years after leaving such positions;

- (2) a section that creates a procurement panel composed of three members; the State Treasury, Comptroller, and the Finance and Administration Commissioner. The panel will have the duties of reviewing and approving all contracts in excess of \$75,000. The Commissioner of F&A serves as the chairperson of this panel.
- (3) a section that creates a five member board of directors for the lottery corporation. Three members are to be appointed by the Governor, one by the Lieutenant Governor, and one by the Speaker of the House.

State Government Subcommittee

State Government Subcommittee passed **HB 202**, by Rep. Turner (Davidson) to full committee. This bill prohibits any person from bidding on a public contract if such person has a relative on the board that awards the contract.

Local Government Subcommittee

Local Government Subcommittee considered **HB 1458**, by Rep. Chumney. This bill requires that educational services be included in the plan of service during an annexation process. **HB 1122**, by Rep. Shepard prohibits a county legislative body from decreasing the salary of a county executive during his or her term of office. Both bills were sent to full committee.

Elections Subcommittee

Elections Subcommittee passed **HB 957**, by Rep. Hargett. This bill requires all elected officials to provide the names of all firms and organizations where such official has investments. **HB 961**, by Rep. Hargett, was also passed to full committee. This bill removes the requirement that notice be provided to any candidate or committee when another person or committee inspects their financial disclosure statements. **HB 1803**, by Rep. Rinks, removes the limitations on candidates that make contributions of personal funds to their own campaigns. This bill was passed to full committee.

Elections Subcommittee is now closed.

Transportation

Greg E. Adkins

The Full Committee

The **Full Transportation Committee** met April 9, 2003 and considered 9 bills.

The following bills were rolled one week:

1. **HB 1054** by Rep. McCord--The bill would allow a motorcycle to stop at a traffic light and if the vehicle detection device doesn't trigger the light to change then with due caution the motorcyclist can proceed through the red light.
2. **HB 819** by Rep. Pinion--The amended bill would require an individual acquiring a drivers license from the Department of Safety to either have a Social Security Number, or an Individual Taxpayer Identification Number (ITIN #) and legal presence.
3. **HB 952** by Rep. Tidwell--Present law requires that all persons driving or riding a motorcycle wear a *crash* helmet that is approved by the National Highway Transportation Safety Administration (NHTSA). The bill would require the driver or the rider to wear a *motorcycle* helmet. The bill would also exempt persons 21 years of age and older from wearing a helmet while riding a motorcycle; present law requires everyone to wear a crash helmet at all times.

HB 406 by Rep. Briley passed to FW&M as amended. The amendment rewrites the bill with comprehensive changes to the child seat belt safety law. The proposed legislation clarifies which child restraint devices should be used for different age groups and physical characteristics (i.e. the height and weight of a child). **HB 660** by Rep. Brooks (Knox) passed to C&R as amended. The amended bill clarifies that a violation for failure to yield to a funeral procession is only a civil offense and not criminal. **HB 564** by Rep. Brooks (Shelby) passed to C&R as amended; the amended bill prohibits a bus driver from using a handheld cell phone while driving a school bus. **HB 1688** by Rep. Head passed to C&R as amended. The amended bill authorizes cancellation of certificate of title for the purposes of securing loan financing for mobile homes. The bill also increases the length restrictions on annual

permit movements for mobile homes. **HB 1912** by Rep. Head passed to FW&M as amended. The bill authorizes a new specialty earmarked license plate to honor Tennessee nurses. The amendment clarifies that the allocation of funds will be consistent with current statute. **HB 788** by Rep. Casada passed to FW&M. The bill authorizes the *Choose Life* new specialty earmarked license plates.

Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** met on Tuesday, April 8, 2003 and rolled all five bills on the calendar. **HB 1959** by Rep. Vaughn, **HB 1705** by Rep. DuBois, **HB 1742** by Rep. Fitzhugh, **HB 1206** by Rep. DuBois, and **HB 1284** by Rep. Odom were all rolled one week.

Public Transportation and Highways Subcommittee

The **Public Transportation and Highways Subcommittee** met on Wednesday, April 9, 2003 and considered four bills. **HB 896** by Rep. Cooper passed to full committee. The bill requires TDOT to develop guidelines for municipal tourism and direction signage and requires the commissioner to report progress to the House and Senate Transportation Committees in January 2004. **HB 840** by Rep. Fowlkes was rolled one week. The bill requires road construction, reconstruction, and maintenance contracts to include a two-year workmanship warranty. **HB 697** by Rep. Langster passed to full committee; the bill authorizes "Children's Hospital, Vanderbilt University Medical Center" signs for Davidson County. **HB 1775** by Rep. Maddox passed to full committee; the bill creates a special purpose license plate for honorably discharged members of the Tennessee National Guard.

The Transportation Subcommittees have announced final meetings on the 22nd and 23rd.

The Budget Hearings

- Public Defenders
- Secretary of State
- K-12
- State Board of Education
- Higher Education Commission (THEC)
- University of Tennessee
- Board of Regents (TBR)
- Student Assistance Corporation (TSAC)

District Public Defenders Conference

Cathy Higgins

Research Analyst, Finance, Ways & Means

Executive Director Andy Hardin presented the Fiscal Year 2003-04 budget for the District Public Defenders Conference. The conference's total budget for fiscal year 2003-04 is \$25,779,300 and reflects a 2.5 percent reduction. The funding for the coming fiscal year also suspends the statutory pay raises for public defenders and criminal investigators. The only improvement is \$139,800 to annualize the fiscal year 2002-03 step raises for assistance public defenders and criminal investigators.

Mr. Hardin began by detailing the reductions the Department took to achieve the 2.5 percent base reduction:

Program/Function	Amount
Indigent Defendant Representation	
Davidson and Shelby Counties - Reduce appropriation by 2.5%	\$103,100
Increase partial indigency fee collection estimate (this decrease will be offset by an increase in "other revenue")	75,000
Eliminate service awards	1,100
Reduce personnel expenditures including one blind reader position	146,900
Capital Division - Eliminate Capital Division	218,900
Administrative Support for Public Defenders	
Reduce legal research funds	25,600
Total Reductions	\$570,600

The District Public Defenders provide legal representation at trial and through the state appellate process for indigent persons charged with the commission of a crime. Twenty-nine of the thirty-one judicial districts participate directly in the District Public Defenders Conference, the public defenders for Shelby and Davidson County receive direct appropriation with no administrative support or control from the conference.

The members of the committee discussed their concern for the backlog of the conference. Mr. Hardin noted that the backlog for the past year has increased by 69% and 145% over two-years. Based on the "weighted caseload study" the conference is short 57 public defenders while the overall number of cases has increased 13%. The

caseloads for Tennessee's public defenders are becoming unmanageable, according to Mr. Hardin. Public defenders are handling on average 735 cases per year which is about two-times the national average.

Mr. Hardin detailed how the judge appoints public defenders. The judge determines if the client is indigent. If the client is determined to be indigent the judge can appoint a public defender or appoint a private attorney to represent that client. However, if a private attorney is appointed the cost per case to the state is substantial over the cost per case for public defenders. In an expenditure per case comparison private attorney costs were \$567 per case whereas public defenders were \$169 - a cost differential of \$398 per case.

Secretary of State

Cathy Higgins

Research Analyst, Finance, Ways & Means

Secretary Riley Darnell presented the FY 2003-04 budget for the Department of State. Responsibilities of the Secretary of State are to record and maintain the official acts of the Governor. Specific duties of the office include recording acts of the General Assembly, registering trademarks, receiving and recording corporate charter applications, administering the provisions of the Uniform Commercial Code, managing the State Library and Archives, coordination elections, and administering the statutes relative to charitable solicitations. Administratively attached to the office are the State Election Commission, Registry of Election Finance, and the Economic Council on Women.

Secretary Darnell began by detailing the reductions the Department took to achieve the 9 percent base reduction requested by Governor Bredesen.

(This table of proposed reductions continues on page 20)

Program/Function	Amount
Secretary of State	
• Reduce salary funds	\$ 12,600
State Election Commission	
• Reduce Registrar Certification Funds	889,300
Library and Archives	
• Eliminate Local Records Microfilming Program (including 4 positions - filled)	170,000
• Eliminate Extended Public Service Hours at the Library and Archives (including 5 positions - filled)	150,000
• Reduce Support to Local Outreach Services	31,200
Regional Library Systems	
• Eliminate Bookmobile Service and surplus 12 bookmobiles	23,400
• Reduce Vehicle funding and surplus 11 vehicles	32,100

• Reduce Library Grants	661,900
• Administration's reduction to Library Grants	137,900
Registry of Election Finance	
• Reduce salary funds	29,600
Economic Council on Women	
• Reduce salary funds	8,800
Total Reductions	\$1,246,800

As a result of the reductions, the Department's total budget for Fiscal Year 2003-04 is \$30,877,100 of which \$21,705,800 are state dollars. The Department did not request any improvements for the coming fiscal year.

The committee discussed the impact these reductions will have on local governments, especially for the local library grant program and the local registrar certification funds. Secretary Darnell countered that hard choices had to be made to reduce these programs rather than layoff more state employees. If these grants were replaced with more employee lay-offs it would require 100 additional state employees to be laid off.

The importance of the Presidential Primary was discussed as well. The Governor's budget, under Miscellaneous Appropriations, includes an improvement of \$3.5 million to conduct the presidential primaries in March 2004 (TCA 2-13-302) and to reimburse the counties for their expense of hold these primaries (TCA 2-12-209(d)). It was noted that voters in the presidential primary are not voting for an actual presidential candidate but rather for a delegate to go to the party's national convention to vote for a particular person. At issue, is the primary suffers from voter apathy because the nominees are usually set by the date of the primary. Some express support for the primary to stay the ways it is, others support moving the date up so Tennessee will have a more influence, or do away with the primary altogether. Secretary Darnell noted that if the primary is done away with the individual parties could set up a system to select candidates to the national conventions.

Department of Education (K-12)

Pam Mason

Research Analyst, Education

On Wednesday, April 2, 2003, the Department of Education presented its budget for the 2003-04 fiscal year. Commissioner Lana Sievers was assisted by Jim Jones, Executive Director for Finance and Auxiliary Services, and Dr. Joseph Fisher, Assistant Commissioner for Special Education. The state will continue to fully fund the BEP. To meet the 9 percent cut as directed by the Governor, the following existing programs will have reduced funding. As a side note, these reductions do not reflect the programs or amounts in the Budget Document Fiscal Year 2003-04, Volume 2: Base Budget Reductions, March 10, 2003. However, they do reflect what the Governor and Administration have proposed in the General Appropriation Bill for Fiscal Year 2003-04. The main difference is the reduction for Extended Contract Supplements. The Administration initially proposed to reduce funding by \$28 million rather than \$2.5 million.

Operational Reductions

Child Nutritional Program	\$ 191,600
ADM Growth Under 2%	2,424,300
State Board of Education	20,000
Staffing-Abolish 27 Position Depart-wide	1,197,900
Professional Development for LEAs	200,000
Testing	1,100,000
Assistance to High Priority Schools	1,125,000
Departmental Equipment	100,000
Family Resource Centers	200,000

Subtotal	\$6,558,800
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Grants

Public Television	\$ 290,100
Science Alliance	67,500
Tennessee School Boards Association	13,500
School Safety	504,000
K-12 Performance Incentive	45,000
Governor's Schools	127,000

Subtotal	\$1,047,100
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Other

Career Ladder	\$3,000,000
Extended Contracts	2,520,000

Subtotal	\$5,520,000
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TOTAL	\$13,125,900
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Improvements to the DOE budget for the 2003-04 year are as follows:

Teacher Salary Equalization	26,700,000
Basic Education Program	33,786,000
Teacher Salary Increase - January 1, 2003	16,280,000
Group Health Insurance - January 1, 2003	25,800,000
Group Health Insurance - January 1, 2004	8,350,000
Teacher Training & Experience - Special Schools	
Alvin C. York	50,200
TN School for the Blind	83,700
TN School for the Deaf	63,700
West TN School for the Deaf	12,300
TN Infant-Parent Services School	27,000

TOTAL	\$111,152,900
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Commissioner Sievers told the committee that the Department is working toward meeting guidelines set forth by the Federal program, No Child Left Behind. Tennessee's initiatives in previously establishing a number of the mandates will work in the state's favor. There is concern about state and federal requirements for schools "with at times conflicting demands and criteria".

The state will lose \$9 million in TANF funds affecting the pre-school program. Of the pilot's 150 programs, 78 are in public schools and 72 are not-for-profit. These programs would prefer to be funded at some level and raise the needed dollars in other ways.

State Board of Education

Pam Mason

Research Analyst, Education

On Wednesday, April 2, 2003, Dr. Douglas Wood, Executive Director of the State Board of Education, presented its 2003-04 fiscal years budget.

The Board's 2002-03 budget totaled \$650,300. They will experience a \$20,000 cut to their Professional Service, Third Party, and is part of their budget for a total amount of \$630,300. This will meet their 9 percent cut.

Tennessee Higher Education Commission (THEC)

Pam Mason

Research Analyst, Education

On Thursday, April 3, 2003, Dr. Rich Rhoda, Executive Director of THEC, presented the proposed 2003-04 fiscal year budget. He told the committee that there is no capital outlay funding in this budget. Cuts in existing programs from last year are as follows.

<u>Academic Formula Units</u>	<u>Governor's Budget</u>	<u>Percent Funded</u>
TBR Universities	327,277,400	76.1
Two-Year Colleges	181,689,300	77.5
UT Universities	214,465,000	76.9
Technology Centers	40,355,300	72.7
TOTAL Academic Formula Units	763,787,000	76.5
<u>Specialized Units</u>		
Medical Education	138,647,100	65.0
Research & Public Service	56,812,300	65.5
Other Specialized Units	54,641,100	67.5
TOTAL Specialized Units	250,100,500	65.7
TOTAL Academic & Specialized	1,013,887,500	73.5
<u>Program Initiatives</u>	32,273,400	25.5
TOTAL OPERATING	\$1,046,160,900	69.5

Tennessee Board of Regents (TBR)

Pam Mason

Research Analyst, Education

Thursday, April 3, 2003, Chancellor Charles Manning presented the TBR 2003-04 fiscal year budget. This plan will result in the elimination of 659 full-time positions (260 currently filled), 165 part-time positions (59 currently filled), and 158 seasonal jobs. Proposed reductions are shown below.

<u>By Function</u>	<u>2003-04 Base Reduction</u>	<u>Percent of Reduction</u>
Instruction	25,590,263	45
Research	856,232	1
Public Service	746,570	1
Academic Support	5,351,917	9
Student Services	6,637,563	12
Institutional Support	8,498,835	15
Operation & Maintenance	6,077,306	11
Scholarships & Fellowship	383,915	1
Reduce Reserve Balance	1,292,299	2
Other	1,912,300	3
TOTAL	\$57,347,200	100

The University of Tennessee

Pam Mason

Research Analyst, Education

On Thursday, April 3, 2003, Dr. John Shumaker, President of the UT system, presented its 2003-04 fiscal year budget. He presented a copy of the **UT System Scorecard** to each member. This is a report on the system's strategic agenda for 2010. President Shumaker stated that there would be a loss in programs but was not sure, at this time, which ones would be terminated. Responding to Representative Brown's question on the status of the Occupational Therapy Program at UTC, the President said it would be terminated. Dr. Brown then asked that a list of the affected programs be provided to each member of the committee. Speaking in generalities, President Shumaker stated that cuts would be imposed in such a way to do the least damage to students and facility; they are trying to diversify the money base and do more aggressive fund raising; and are looking at eliminating some administrative costs. He added that no tenure faculty would lose jobs. Most job losses would be in administration and support staff. He gave two additional handouts: a list of contract services for the system and the 2004 staff reduction plan, which follows.

CAMPUS	UNFILLED FT	FILLED FTE	TOTAL
UT at Chattanooga	37.50	9.00	46.50
UT at Martin	8.50	13.00	21.50
UT at Knoxville	146.98	91.32	283.30
	192.98	113.32	306.30

Tennessee Student Assistance Corporation*Pam Mason**Research Analyst, Education*

Mr. Michael Roberts, Executive Director of TSAC, presented that agency's 2003-04 fiscal year budget on Wednesday, April 3, 2003. One position will be eliminated in this budget. Three priority items were submitted but not funded:

1. A \$20.3 Recurring state appropriation for the TN Student Assistance Aware Program.
2. A \$144,000 recurring improvement to increase the TN Teaching Scholars Award.
3. A continuing appropriation of \$150,000 for the Ned McWherter Scholars Trust.

The following shows the proposed total budget for TSAC:

TSAC Program	TSAC Request	Governor Recommended
Administration	\$ 15,437,500	\$15,202,200
TN Student Assistance Awards	68,824,700	43,890,900
Federal Family Ed Loan Program	80,000,000	80,000,000
Loan/Scholarship Prgm.	3,029,000	2,104,500

Budget Hearings Schedule

Thursday, April 10:
(Following Session)

Commission on Aging
TennCare
Commerce & Insurance



Week Of April 14th:

April 15th - Finance & Administration

April 16th - Health

Human Services
Children's Services
Health Services & Development Agency
Council of Juvenile & Family Court Judges
Commission on Children & Youth

April 17th - Mental Health & Developmental Disabilities
Finance & Administration Health Services